

28 SEP 2004



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Cambridge, MA 02142

In re Application of :
WHITLOCK, David R. :
U.S. Application No.: 10/501,415 :
PCT No.: PCT/US03/00995 :
Int. Filing Date: 13 January 2003 :
Priority Date: 11 January 2002 :
Attorney Docket No.: D0460-7011US :
For: COMPOSITIONS INCLUDING :
AMMONIA OXIDIZING BACTERIA AND :
METHODS OF USING SAME :

**DECISION ON
PETITION FOR REVIVAL
UNDER 37 CFR 1.137(b)**

Applicant's "Petition for Revival Under 37 C.F.R. § 1.137(b)" filed on 09 September 2004 is hereby **GRANTED** as follows:

Applicant paid the reduced basic national fee of \$50.00 with the instant petition. However, the above-captioned application is not entitled to this reduced fee as an international preliminary examination report has not yet been completed for PCT/US03/00995. Hence, the correct basic national fee is \$365.00.

The \$315.00 difference has been charged to Deposit Account No. 50-2762 as authorized.

The petition fee of \$1,330.00 has been paid. Applicant states that "the failure to provide the full U.S. Basic National Fee was unintentional, as applicant's representative neglected to authorize its deposit account be charged." This statement has been interpreted as meaning that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. If this interpretation is not correct, applicant should notify this office. A terminal disclaimer is not required.

Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration was not included with any of the papers submitted.

This application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR

1.497(a) and (b) and a surcharge fee of \$130.00 pursuant to 37 CFR 1.492(e) is required.

A handwritten signature in black ink, appearing to read 'James Thomson', with a stylized flourish extending from the end.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

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